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Docket No.: 30011908-3 US (1509-270)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Alistair Neil COLES et al.

U.S. Patent Application No. 10/058,252

Filed: January 29, 2002

For: AN INTERACTIVE AUDIO SYSTEM

Confirmation No. 3542

Group Art Unit: 2644

Examiner: SELLERS, DANIEL R

REQUEST FOR REFUND

MailStop Office of Finance
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A refund in the amount of \$670 (for the fees associated with the filing of a Notice of Appeal, \$500.00, and the fee for a one-month extension of time, \$120.00) is requested for the following reasons:

The current application was finally rejected on March 9, 2006, and a response to the Final Rejection was filed on June 9, 2006. In an attempt to avoid further extension fees, Applicants filed a Notice of Appeal and a one-month extension on July 10, 2006. However, on July 10, 2006, attorney for Applicants could not access the July 6, 2006 Advisory Action. As a result, the office of the undersigned attorney for Applicants attempted to contact the Examiner, who was unavailable on July 10, 2006. As a result, the office of the undersigned attorney for Applicants spoke with the Examiner's

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE
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Tracy A. Luke
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supervisor on July 10, 2006, who could not recall what the Advisory Action said, nor could she access the Advisory Action on the PTO database. The office of the undersigned attorney for Applicants was informed by the Examiner on July 11, 2006 that the Advisory Action indicated the withdrawal of the finality of the previous Office Action, and that a supplemental action would issue in a few weeks.

Therefore Applicants did not need to file a Notice of Appeal, nor did they need to incur the fee for a one-month extension. If attorney for Applicants and/or the Examiner's supervisor had been able to access the Advisory Action on PAIR, the Notice of Appeal and Petition for Extension of Time would not have been filed. Applicants incurred these fees only because of the failure of (1) the U.S. Patent and Trademark Office electronic system, (2) and the inability of Examiner's supervisor's to recall what was in the Advisory Action on July 10, 2006, prior to the filing of the Notice of Appeal and the Petition for Extension of Time. Refund of the \$670.00 is therefore in order.

Please immediately credit Deposit Account No.: 08-2025 in this amount.

Respectfully submitted,

Alistair Neil COLES et al.

Allan M. Lowe
Registration No. 19,641

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